

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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JUAN HOUSE,	:	
Plaintiff,	:	
	:	
v.	:	No. 2:18-cv-04283
	:	
DEVON SMITH,	:	
Defendant.	:	

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**O R D E R**

**AND NOW**, this 28<sup>th</sup> day of February, 2022, for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT:**

1. Defendant's Motion to Dismiss, ECF No. 55, is **DENIED** in part.
2. Consistent with the Order dated December 20, 2018, *see* ECF No. 10, the Clerk of Court is directed to promptly serve a written waiver request on Defendant Devon Smith pursuant to Federal Rule of Civil Procedure 4(d) to effect waiver of service.<sup>1</sup> The waiver of service request shall be accompanied by a copy of the Complaint and shall inform the Defendant of the consequences of compliance and failure to comply with the request. The request shall allow the Defendant at least 30 days from the date it is sent (60 days if addressed outside any judicial district of the United States) to return the signed waiver. If a signed waiver is not returned within the time limit given, the Clerk of Court shall issue a summons and transmit the summons and a copy of the Complaint to the U.S. Marshals Service for immediate service.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>1</sup> Counsel for Smith is requested to cooperate in waiving service of the Complaint.